

107TH CONGRESS
1ST SESSION

H. R. 2821

To amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. THORNBERRY introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defense Space Reorga-
5 nization Act of 2001”.

1 **SEC. 2. AUTHORITY TO ESTABLISH POSITION OF UNDER**
2 **SECRETARY OF DEFENSE FOR SPACE, INTEL-**
3 **LIGENCE, AND INFORMATION.**

4 (a) **AUTHORITY TO ESTABLISH POSITION.**—The
5 President may establish in the Department of Defense the
6 position of Under Secretary of Defense for Space, Intel-
7 ligence, and Information. If that position is so established,
8 the Under Secretary of Defense for Space, Intelligence,
9 and Information shall perform duties and exercise powers
10 as set forth in section 137 of title 10, United States Code,
11 as added by subsection (e).

12 (b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The
13 authority provided in subsection (a) may not be exercised
14 after December 31, 2003.

15 (c) **NOTICE OF EXERCISE OF AUTHORITY.**—(1) If
16 the authority provided in subsection (a) is exercised, the
17 President shall immediately submit to Congress notifica-
18 tion in writing of the establishment of the position of
19 Under Secretary of Defense for Space, Intelligence, and
20 Information, together with the date as of which the posi-
21 tion is established. If the President declines to exercise
22 the authority provided in subsection (a), the President
23 shall, before the date specified in subsection (b), submit
24 to Congress a report on how the President has imple-
25 mented the recommendations of the report of the Space
26 Commission with respect to the Department of Defense.

1 (2) For purposes of paragraph (1), the term “report
2 of the Space Commission” means the report of the Com-
3 mission To Assess United States National Security Space
4 Management and Organization, dated January 11, 2001,
5 and submitted to Congress under section 1623 of the Na-
6 tional Defense Authorization Act for Fiscal Year 2000
7 (Public Law 106–65; 113 Stat. 815).

8 (d) CONTINGENT ENACTMENT OF U.S. CODE
9 AMENDMENTS.—If the position of Under Secretary of De-
10 fense for Space, Intelligence, and Information is estab-
11 lished under the authority provided in subsection (a), then
12 the amendments set forth in subsections (e), (f), and (g)
13 shall be executed, effective as of the date specified in the
14 notice submitted under the first sentence of subsection
15 (c)(1). Otherwise, those amendments shall not be exe-
16 cuted.

17 (e) APPOINTMENT, DUTIES, ETC., OF UNDER SEC-
18 RETARY.—(1) Subject to subsection (d), chapter 4 of title
19 10, United States Code, is amended—

20 (A) by redesignating section 137 as section
21 139a and transferring such section (as so redesign-
22 nated) within such chapter so as to appear after sec-
23 tion 139; and

24 (B) by inserting after section 136 the following
25 new section 137:

1 **“§ 137. Under Secretary of Defense for Space, Intel-**
2 **ligence, and Information**

3 “(a) There is an Under Secretary of Defense for
4 Space, Intelligence, and Information, appointed from civil-
5 ian life by the President, by and with the advice and con-
6 sent of the Senate.

7 “(b) Subject to the authority, direction, and control
8 of the Secretary of Defense, the Under Secretary of De-
9 fense for Space, Intelligence, and Information shall per-
10 form such duties and exercise such powers relating to the
11 space, intelligence, and information programs and activi-
12 ties of the Department of Defense as the Secretary of De-
13 fense may prescribe. The duties and powers prescribed for
14 the Under Secretary shall include responsibility for the fol-
15 lowing:

16 “(1) In coordination with the Under Secretary
17 of Defense for Policy, the establishment of Depart-
18 ment of Defense policy on space.

19 “(2) In coordination with the Under Secretary
20 of Defense for Acquisition, Technology, and Logis-
21 tics, the acquisition of space systems for the Depart-
22 ment of Defense.

23 “(3) The deployment and use of space assets.

24 “(4) The oversight of research, development,
25 acquisition, launch, and operation of space, intel-
26 ligence, and information assets.

1 “(5) The coordination of military intelligence
2 activities within the Department of Defense.

3 “(6) The coordination of intelligence activities
4 of the Department of Defense and the intelligence
5 community in order to meet the long-term intel-
6 ligence requirements of the United States.

7 “(7) The coordination of space activities of the
8 Department of Defense with commercial and civilian
9 space activities.

10 “(c) The Under Secretary of Defense for Space, In-
11 telligence, and Information shall perform such additional
12 duties and exercise such powers as the Secretary of De-
13 fense may prescribe.

14 “(d) The Secretary of Defense shall designate the
15 Under Secretary of Defense for Space, Intelligence, and
16 Information as the Chief Information Officer of the De-
17 partment of Defense under section 3506(a)(2)(B) of title
18 44.

19 “(e) The Under Secretary of Defense for Space, In-
20 telligence, and Information takes precedence in the De-
21 partment of Defense after the Under Secretary of Defense
22 for Personnel and Readiness.”.

23 (2) Subject to subsection (d), section 131(b) of that
24 title is amended—

1 (A) by redesignating paragraphs (6) through
2 (11) as paragraphs (7) through (12), respectively;
3 and

4 (B) by inserting after paragraph (5) the fol-
5 lowing new paragraph (6):

6 “(6) The Under Secretary of Defense for
7 Space, Intelligence, and Information.”.

8 (3) Subject to subsection (d), the table of sections
9 at the beginning of chapter 4 of such title is amended—

10 (A) by striking the item relating to section 137
11 and inserting the following new item:

“137. Under Secretary of Defense for Space, Intelligence, and Information.”;

12 and

13 (B) by inserting after the item relating to sec-
14 tion 139 the following new item:

“139a. Director of Defense Research and Engineering.”.

15 (f) ASSISTANT SECRETARIES OF DEFENSE.—Subject
16 to subsection (d), section 138 of such title is amended—

17 (1) in subsection (a), by striking “nine” and in-
18 serting “eleven”; and

19 (2) in subsection (b), by inserting after para-
20 graph (2) the following new paragraph:

21 “(3) Not less than three of the Assistant Secretaries
22 shall be assigned duties under the authority of the Under
23 Secretary of Defense for Space, Intelligence, and Informa-
24 tion and shall report to that Under Secretary.”.

1 (g) PAY RATES.—Subject to subsection (d), sub-
2 chapter II of chapter 53 of title 5, United States Code,
3 is amended—

4 (1) in section 5314, by inserting after the para-
5 graph relating to the Under Secretary of Defense for
6 Personnel and Readiness the following:

7 “Under Secretary of Defense for Space, Intel-
8 ligence, and Information.”; and

9 (2) in section 5315, by striking “(9)” after
10 “Assistant Secretaries of Defense” and inserting
11 “(11)”.

12 (h) REPORT.—Not later than 30 days before exer-
13 cising the authority provided in subsection (a), the Presi-
14 dent shall submit to Congress a report on the proposed
15 organization of the office of the Under Secretary of De-
16 fense for Space, Intelligence, and Information. If such a
17 report has not been submitted as of April 15, 2002, the
18 President shall submit to Congress a report, not later than
19 that date, setting forth the President’s view as of that date
20 of the desirability of establishing the position of Under
21 Secretary of Defense for Space, Intelligence, and Informa-
22 tion in the Department of Defense.

1 **SEC. 3. RESPONSIBILITY OF UNDER SECRETARY OF THE**
 2 **AIR FORCE AS ACQUISITION EXECUTIVE FOR**
 3 **SPACE OF THE DEPARTMENT OF DEFENSE.**

4 (a) EXECUTIVE AGENT.—Part IV of subtitle A of
 5 title 10, United States Code, is amended by inserting after
 6 chapter 134 the following new chapter:

7 **“CHAPTER 135—SPACE PROGRAMS**

“Sec.
 “2271. Executive agent.

8 **“§ 2271. Executive agent**

9 “(a) SECRETARY OF THE AIR FORCE.—The Sec-
 10 retary of the Air Force shall be the executive agent of the
 11 Department of Defense—

12 “(1) for the planning of the acquisition pro-
 13 grams, projects, and activities of the Department
 14 that relate to space; and

15 “(2) for the execution of those programs,
 16 projects, and activities.

17 “(b) ACQUISITION EXECUTIVE.—The Secretary shall
 18 designate the Under Secretary of the Air Force as the ac-
 19 quisition executive of the Air Force for the programs,
 20 projects, and activities referred to in subsection (a).”.

21 (b) CLERICAL AMENDMENT.—The tables of chapters
 22 at the beginning of such subtitle and the beginning of part

1 IV of such subtitle are amended by inserting after the item
 2 relating to chapter 134 the following new item:

“135. **Space Programs** **2271**”.

3 **SEC. 4. MAJOR FORCE PROGRAM CATEGORY FOR SPACE**
 4 **PROGRAMS.**

5 (a) **REQUIREMENT.**—The Secretary of Defense shall
 6 create a major force program category for space programs
 7 for purposes of the future-years defense program under
 8 section 221 of title 10, United States Code.

9 (b) **COMMENCEMENT.**—The category created under
 10 subsection (a) shall be included in each future-years de-
 11 fense program submitted to Congress under section 221
 12 of title 10, United States Code, in fiscal years after fiscal
 13 year 2002.

14 **SEC. 5. COMPTROLLER GENERAL ASSESSMENT OF IMPLE-**
 15 **MENTATION OF RECOMMENDATIONS OF**
 16 **SPACE COMMISSION.**

17 (a) **ASSESSMENT.**—(1) The Comptroller General
 18 shall carry out an assessment through February 15, 2003,
 19 of the actions taken by the Secretary of Defense in imple-
 20 menting the recommendations in the report of the Space
 21 Commission that are applicable to the Department of De-
 22 fense.

23 (2) For purposes of paragraph (1), the term “report
 24 of the Space Commission” means the report of the Com-
 25 mission To Assess United States National Security Space

1 Management and Organization, dated January 11, 2001,
 2 and submitted to Congress under section 1623 of the Na-
 3 tional Defense Authorization Act for Fiscal Year 2000
 4 (Public Law 106–65; 113 Stat. 815).

5 (b) REPORTS.—Not later than February 15 of each
 6 of 2002 and 2003, the Comptroller General shall submit
 7 to the Committee on Armed Services of the Senate and
 8 the Committee on Armed Services of the House of Rep-
 9 resentatives a report on the assessment carried out under
 10 subsection (a). Each report shall set forth the results of
 11 the assessment as of the date of such report.

12 **SEC. 6. COMMANDER OF AIR FORCE SPACE COMMAND.**

13 (a) IN GENERAL.—Chapter 845 of title 10, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing new section:

16 **“§ 8584. Commander of Air Force Space Command**

17 “(a) The officer serving as commander of the Air
 18 Force Space Command may not serve simultaneously as
 19 commander of the United States Space Command (or any
 20 successor combatant command with responsibility for
 21 space) or as commander of the United States element of
 22 the North American Air Defense Command.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of such chapter is amended by adding
 25 at the end the following new item:

“8584. Commander of Air Force Space Command.”.

1 **SEC. 7. REQUIREMENT FOR ESTABLISHMENT OF SEPARATE**
2 **CAREER FIELD IN THE AIR FORCE FOR**
3 **SPACE.**

4 The Secretary of the Air Force, acting through the
5 Under Secretary of the Air Force, shall establish and im-
6 plement policies and procedures to develop a cadre of tech-
7 nically competent officers with the capability to develop
8 space doctrine, concepts of space operations, and manage-
9 ment of space systems for the Air Force.

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